

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1298

To amend the Federal Food, Drug, and Cosmetic Act to exempt fluid milk standards of the State of California from preemption in order to guarantee the same high quality fluid milk to the consumers of California that they have received since 1961.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1995

Mr. THOMAS (for himself and Mr. MOORHEAD) introduced the following bill;  
which was referred to the Committee on Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to exempt fluid milk standards of the State of California from preemption in order to guarantee the same high quality fluid milk to the consumers of California that they have received since 1961.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CALIFORNIA FLUID MILK STANDARDS.**

4       Section 403A(a)(1) of the Federal Food, Drug, and  
5       Cosmetic Act (21 U.S.C. 343–1(a)) is amended by striking  
6       “does not apply to a standard of identity of a State or  
7       political subdivision of a State for maple syrup that is of

1 the type required by sections 401 and 403(g)” and insert-  
2 ing the following: “does not apply to—

3 “(A) a standard of identity of a State or politi-  
4 cal subdivision of a State for maple syrup that is of  
5 the type required by sections 401 and 403(g), or

6 “(B) a standard of identity for fluid milk of the  
7 State of California that—

8 “(i) was in existence on November 7, 1990,

9 “(ii) is of the type required by sections 401  
10 and 403(g),

11 “(iii) was included within a State petition  
12 filed under subsection (b) before October 1,  
13 1993, and

14 “(iv) specifies a higher minimum level of  
15 milk components than is provided for in the  
16 corresponding standard of identity promulgated  
17 under section 401.

18 For purposes of subparagraph (B), the term ‘fluid milk’  
19 means liquid milk in final packaged form for beverage use  
20 and does not include dry milk, manufactured milk prod-  
21 ucts, or tanker bulk milk.”.

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